

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

JUAN J. OTERO-NEGRON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIV. NO. 04-1221 (PG)

Re: CR. 99-280 (PG)

ORDER

Before the Court is Petitioner's "Motion for Certificate of Appealability" (Docket No. 26) as required under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). Petitioner seeks to appeal this Court's decision denying his Motion to Vacate, Set Aside or Correct Sentence. (Docket No. 1.)

Under the AEDPA, no appeal may be taken from a district court's ruling on a Section 2255 motion unless a district or circuit judge issues a Certificate of Appealability ("COA") based upon a "substantial showing" by the prisoner of "the denial of a constitutional right." 28 U.S.C. § 2253(c). To succeed, a petitioner must demonstrate that the issues raised are "'debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are 'adequate to deserve encouragement to proceed further.'"" Barefoot v. Estelle, 463 U.S. 880, 883 n.4(1983)(alteration in original)(internal quotations omitted). "The necessity for a substantial showing extends independently to each and every issue raised by a habeas petitioner." Berthoff v. United States, 308 F.3d 124, 127-28 (1st Cir. 2002).

A review of the record reveals petitioner is simply rehashing arguments already considered and denied by this Court. Petitioner's repeated arguments fail to comply with the elements that must be considered by a court before issuing a COA. Accordingly, petitioner's Motion for a COA is **DENIED**.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, May 11, 2006.

S/JUAN M. PEREZ-GIMENEZ  
U.S. District Judge